

1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
2 MONTANA, BUTTE DIVISION
3

4 KEVIN BRIGGS,

5 Plaintiff,

6 vs.

Case No. 18-0010-BU-BMM-JCL

7 GALLATIN COUNTY AND
8 JOHN DOES 1-8, AS
9 INDIVIDUALS AND IN THEIR OFFICIAL
CAPACITY AS DETENTION OFFICERS,

Defendants.
10

11 DEPOSITION UPON ORAL EXAMINATION OF
12 JASON JARRETT
13

14 BE IT REMEMBERED, that the deposition upon oral
15 examination of JASON JARRETT, appearing at the
16 instance of Plaintiff, was taken at
17 510 West Hemlock, Suite B1, Bozeman,
18 Montana 59715 on the 18th day of July
19 2019, beginning at the hour of 1:00 p.m. pursuant
20 to the Federal Rules of Civil Procedure, before
21 Marla Jeske, Court Reporter - Notary Public, CSR.
22
23
24
25

Page 2	Page 4
<p>1 APPEARANCES</p> <p>2 ATTORNEY APPEARING ON BEHALF OF THE</p> <p>3 PLAINTIFF, KEVIN BRIGGS:</p> <p>4</p> <p>5 Mr. Daniel V. Biddulph, Esq.</p> <p>6 Ferguson Law Office, PLLC</p> <p>7 P.O. Box 8359</p> <p>8 Missoula, Montana 59807</p> <p>9 (406) 532-2664</p> <p>10 dan@fergusonlawmt.com</p> <p>11</p> <p>12 ATTORNEYS APPEARING ON BEHALF OF THE</p> <p>13 DEFENDANTS, GALLATIN COUNTY AND JOHN DOES</p> <p>14 1-8, AS INDIVIDUALS AND IN THEIR OFFICIAL</p> <p>15 CAPACITY AS DETENTION OFFICERS:</p> <p>16</p> <p>17 Mr. Alex Stacey, Esq.</p> <p>18 Stacey, Funyak & Kautz</p> <p>19 P.O. Box 1139</p> <p>20 Billings, Montana 59103</p> <p>21 (406) 259-4545</p> <p>22 astacey@staceyfunyak.com</p> <p>23</p> <p>24 Mr. Sean Bowen, Esq.</p> <p>25 Civil Deputy County Attorney</p> <p>Gallatin County Attorney's Office</p> <p>1709 W. College, Suite 200</p> <p>Bozeman, Montana 59715</p> <p>(406) 582-3745</p> <p>scan.bowen@gallatin.mt.gov</p>	<p>1 WHEREUPON, the following proceedings</p> <p>2 were had and testimony taken, to-wit:</p> <p>3</p> <p>4 * * * * *</p> <p>5</p> <p>6 JASON JARRETT,</p> <p>7 called as a witness herein, having been first duly</p> <p>8 sworn, was examined and testified as follows:</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. BIDDULPH:</p> <p>12 Q. Good afternoon, Captain Jarrett. My</p> <p>13 name is Dan Biddulph. I'm an attorney for</p> <p>14 Mr. Kevin Briggs in his case of Mr. Briggs versus</p> <p>15 Gallatin County Sheriff.</p> <p>16 Just for the record, could I get you to</p> <p>17 state and spell your name?</p> <p>18 A. Jason Jarrett J-A-S-O-N J-A-R-R-E-T-T.</p> <p>19 Q. And have you ever been deposed before?</p> <p>20 A. Yes.</p> <p>21 Q. And when was that or how many times?</p> <p>22 A. Once, and it's been years ago. I don't</p> <p>23 recall even the case that I was on.</p> <p>24 Q. Have you ever provided testimony at</p> <p>25 trial before?</p>
Page 3	Page 5
<p>1 INDEX</p> <p>2 EXAMINATION OF JASON JARRETT BY PAGE</p> <p>3 Mr. Daniel V. Biddulph, Esq.....4, 99</p> <p>4 Mr. Alex Stacey, Esq.....97</p> <p>5 EXHIBITS REFERRED TO:</p> <p>6 Exhibit 6.....65-67</p> <p>7 Exhibit 8.....65</p> <p>8 Exhibit 9.....65</p> <p>9 Exhibit 10.....61, 64-65</p> <p>10 Exhibit 11.....61</p> <p>11 Exhibit 12.....59, 61-62</p> <p>12 Exhibit 13.....78</p> <p>13 Exhibit 14.....69</p> <p>14 Exhibit 16.....92</p> <p>15 DEPOSITION EXHIBITS:</p> <p>16 Exhibit 17 Team Meeting notes.....29, 42, 88, 91</p> <p>17 Exhibit 18 E-mail from Cari Ray</p> <p>18 regarding updated List.....30</p> <p>19</p> <p>20 Exhibit 19 Gallatin County Detention Center</p> <p>21 Incident Report/Rule Infraction</p> <p>22 dated 11/16/2014.....42</p> <p>23</p> <p>24 Exhibit 20 Inmate Manual.....50</p> <p>25</p> <p>26 Exhibit 21 Notes generated through the</p> <p>27 Inmate kite system.....51</p> <p>28 Exhibit 22 Notes generated through the</p> <p>29 Inmate kite system.....56, 74, 77</p> <p>30</p> <p>31 Exhibit 23 Kevin Briggs' cell assignment</p> <p>32 history.....76</p> <p>33 Exhibit 24 Policy and Procedure Manual</p> <p>34 March 25, 2015.....81</p> <p>35</p> <p>36 Exhibit 25 E-mail chain dated June 13, 2015...94</p>	<p>1 A. Yes.</p> <p>2 Q. And was that a frequent event or how</p> <p>3 often have you done that?</p> <p>4 A. Frequently.</p> <p>5 Q. Okay. So basically, as I'm sure from</p> <p>6 your prior experience, a deposition is, you know,</p> <p>7 under oath on the record. But just for our record</p> <p>8 I want to go over a few ground rules just so that</p> <p>9 we have it down.</p> <p>10 So first of all, both of us can speak</p> <p>11 clearly today and we'll try and also make sure we</p> <p>12 speak slowly enough so that our court reporter can</p> <p>13 record what we're saying.</p> <p>14 Let's not try to talk over each other.</p> <p>15 So I will try and wait for you to answer a question</p> <p>16 prior to me asking the question, and if you can</p> <p>17 wait for me to get the question out before you</p> <p>18 answer, that way we're not talking over one</p> <p>19 another.</p> <p>20 Also, I ask that if there's any yes or</p> <p>21 no questions, if we can answer yes or no, not head</p> <p>22 nods or huh-uh's or uh-huh's, so that we can get a</p> <p>23 clear record that way.</p> <p>24 Also ask, if any of my questions are</p> <p>25 unclear or you have a question about my question,</p>

<p style="text-align: right;">Page 6</p> <p>1 please feel free to ask. I want to make sure that 2 you understand what I'm asking so that we're both 3 on the same page as far as your response to my 4 question and your responses in direct reference to 5 what I'm asking. So if you don't ask for any 6 clarification, I'm just going to assume that you 7 understand the question as it relates to what I 8 asked.</p> <p>9 Also, if we need to take any breaks 10 during this, for whatever reason, rest room, you 11 need to stretch your legs, or if you do need to 12 speak with your attorney as well, feel free to do 13 so, but I just ask that we take the break -- if 14 I've asked a question, that that question gets 15 answered prior to taking a break, okay?</p> <p>16 Any questions about that?</p> <p>17 A. None.</p> <p>18 Q. All right, great.</p> <p>19 So also, do you mind if I call you Jason 20 or Mr. Jarrett or captain? How would you prefer to 21 be referred to?</p> <p>22 A. Informal is fine.</p> <p>23 Q. Thank you.</p> <p>24 So prior to today what did you do to 25 prepare for today's deposition?</p>	<p style="text-align: right;">Page 8</p> <p>1 the required documentation or arrange for staff to 2 be present at required meetings or depositions.</p> <p>3 Q. Okay, thank you.</p> <p>4 So, Jason, I just want to get somewhat 5 of a sense of a little bit of your background. So 6 if we could just start, what's your just education, 7 work history? So if we can start with education, 8 what's your educational background?</p> <p>9 A. Some college, all the law enforcement 10 and continuing education classes and 35 years in 11 law enforcement and public safety.</p> <p>12 Q. Okay. Where did you go to school?</p> <p>13 A. Montana State.</p> <p>14 Q. And have you gone to higher education 15 anywhere else besides Montana State?</p> <p>16 A. No, I haven't.</p> <p>17 Q. You said 35 years in law enforcement, is 18 that all with Gallatin County?</p> <p>19 A. No.</p> <p>20 Q. Where else have you served?</p> <p>21 A. National Park Service, Yellowstone.</p> <p>22 Q. Okay. Anywhere besides that?</p> <p>23 A. No.</p> <p>24 Q. Did you ever serve in the military?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. I met with counsel and I have reviewed 2 some of the documentation.</p> <p>3 Q. And when you say "some of the 4 documentation," what did you review?</p> <p>5 A. We have a case file prepared of all the 6 stuff that we have sent and I briefed through it 7 recently and have looked at some of the 8 documentation that I have personal knowledge of.</p> <p>9 Q. Okay. Have you reviewed any audio or 10 video recordings prior to to prepare for today's 11 deposition?</p> <p>12 A. No.</p> <p>13 Q. And other than your attorneys, did you 14 speak with anybody else to prepare for today's 15 deposition?</p> <p>16 A. To prepare?</p> <p>17 Q. Correct.</p> <p>18 A. Other than to present documentation that 19 has been requested in discovery or evidence, no.</p> <p>20 Q. Okay. Have you spoken with anybody else 21 about this case other than your attorneys?</p> <p>22 A. Staff.</p> <p>23 Q. Okay. Is that just as it relates to the 24 case?</p> <p>25 A. Correct. And the requirements to get</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. So what's your current position and 2 title?</p> <p>3 A. I'm the jail commander, search and 4 rescue commander, captain for the sheriff's office.</p> <p>5 Q. And how long have you served in that 6 position?</p> <p>7 A. I'll refer -- I know it's written down 8 here somewhere.</p> <p>9 Q. I'm just trying to get a sense.</p> <p>10 A. That's fine. My best recollection was 11 the fall of 2013 I was assigned to the detention 12 center.</p> <p>13 Q. Okay. So this case involves events that 14 took place roughly March of 2014 through, I would 15 say, maybe fall of 2015, summer/fall of 2015. So 16 at that time that was -- you were the jail 17 administrator at that time?</p> <p>18 A. I was the jail commander. The sheriff 19 is the jail administrator.</p> <p>20 Q. And for the record then -- and my 21 understanding -- what's the difference between the 22 two?</p> <p>23 A. The administrator has the statutory 24 responsibility assigned by the Gallatin County 25 Commission to manage the jail. The sheriff has</p>

<p style="text-align: right;">Page 10</p> <p>1 divisions that each have captains assigned to them. 2 I am the captain that is assigned to the detention 3 division. 4 Q. So in your role as jail commander then, 5 maybe to put it in layman's terms, would you then 6 be I guess the boss over the jail? 7 A. I am in direct supervision of the 8 detention center, correct. 9 Q. Okay. So if the sheriff is the jail 10 administrator and you are the jail commander, does 11 he cede or put any authority on you that he would 12 normally have as jail administrator? 13 A. Yes. 14 Q. What would that be? 15 A. The operation of the jail. 16 Q. Okay. So any decisionmaking and that 17 sort of thing? 18 A. He has authority to change decisions, 19 set policy. That's a good way to say that. 20 Q. Okay. 21 A. I have the responsibility for the 22 day-to-day operation. 23 Q. And then you'd be over staff and 24 personnel as well? 25 A. That is correct.</p>	<p style="text-align: right;">Page 12</p> <p>1 that? 2 A. Because I know of the incidents of his 3 arrest and his escape from police custody. 4 Q. Okay. So that's what you're referring 5 to as his arrest and his escape? 6 A. Correct. I don't recall if I knew of 7 him before or not. 8 Q. Okay. And so his arrest and his escape, 9 how did you hear about that? 10 A. I knew because of the information that 11 is passed between law enforcement officers. 12 Q. And what information was passed to you 13 regarding his arrest and his escape? 14 A. That he had been arrested for sex 15 assault, agg assault, and I believe assault on a 16 peace officer, and then had subsequently escaped 17 custody from the police department. 18 Q. And was that custody, Gallatin County 19 Sheriff or Bozeman PD? 20 A. Bozeman Police. 21 Q. So was the Gallatin County Sheriff 22 involved in that arrest at all? 23 A. I don't know if we assisted or not. 24 Q. Did the jail assist at all in any aspect 25 of his escape?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. Are there any decisions that you 2 would need to -- and I'm speaking in general terms, 3 that you would need to defer to the sheriff just as 4 the jail commander? 5 A. Typically, yes. 6 Q. What would those decisions be? 7 A. Any changes in policy. That would be 8 about it. 9 Q. So if we can get I guess into this. 10 This case involves my client Mr. Briggs. How did 11 you first become aware of Mr. Briggs? 12 A. I became aware of Mr. Briggs through law 13 enforcement incidents that I was aware of because 14 of my position as a sworn law enforcement officer. 15 Q. And when were you first aware of -- 16 A. I don't recall. Prior to his 17 incarceration. 18 Q. And you mean his incarceration in or 19 around March of 2014? 20 A. If that's when it was, yes. 21 Q. I guess I'm talking about his 22 incarceration where he was in custody in Gallatin 23 County jail? 24 A. Correct, I was aware of him before then. 25 Q. Okay. How were you aware of him before</p>	<p style="text-align: right;">Page 13</p> <p>1 A. No. 2 Q. Did you ever have any sort of 3 communications with the Bozeman PD after his 4 escape? 5 A. Not that I recall. 6 Q. Did you ever discuss with the Bozeman PD 7 with regards to, say, like jail security or 8 policies and procedures or protocol? 9 A. No. 10 Q. How did you become aware that Mr. Briggs 11 was back in custody after his escape? 12 A. I don't specifically know. I know I was 13 aware that he had been arrested in Oregon, I 14 believe. 15 Q. And so at that time were you informed 16 then that he would be transferred to Gallatin 17 County Detention? 18 A. I knew he would be coming back to 19 Gallatin County and we would hold him, but I don't 20 know how I had heard or from who. 21 Q. Did you feel the need to make any 22 special arrangements with regards to Mr. Briggs? 23 A. At some point we made -- we had 24 discussion about his security based on his charges 25 and his escape.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. And what were those discussions?</p> <p>2 A. That he would be in a high</p> <p>3 classification and we would observe his behavior</p> <p>4 for a period of time to determine where he best fit</p> <p>5 and would be taken care of appropriately at what</p> <p>6 security level.</p> <p>7 Q. And so what determinations were made</p> <p>8 based on those conversations?</p> <p>9 A. That he would be placed in our high</p> <p>10 security APOD and observed for a period of time to</p> <p>11 see how he acclimated and how he behaved.</p> <p>12 Q. So you mentioned classifications, could</p> <p>13 I just get from you I guess what classifications</p> <p>14 are and what the differences are between those</p> <p>15 classifications?</p> <p>16 A. At that time, and it's changed, so I</p> <p>17 can't give you 100 percent accurate. But I believe</p> <p>18 we had general population, low security or workers,</p> <p>19 inmate workers, medium classification, special</p> <p>20 management, administrative segregation, high</p> <p>21 security and disciplinary.</p> <p>22 Q. So then as far as low, medium and high,</p> <p>23 what would be the differences between those three</p> <p>24 as far as why an inmate would be placed in low,</p> <p>25 medium or high security?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. So then Mr. Briggs was classified</p> <p>2 as high security. Explain to me then what a</p> <p>3 behavior based system is?</p> <p>4 A. A behavior based jail takes the inmate's</p> <p>5 behavior into account, not just charges, not just a</p> <p>6 history but allows inmates to earn their privileges</p> <p>7 and more freedom within the facility based on their</p> <p>8 behavior, demonstrated behavior.</p> <p>9 Q. Okay. So if an inmate comes in and has</p> <p>10 a clean record, then they can move down in security</p> <p>11 classification? I just want to make sure.</p> <p>12 A. There are multiple factors that go into</p> <p>13 that determination, but a clean record is not a</p> <p>14 good one to describe it. It would be more</p> <p>15 appropriate to say their behavior is appropriate,</p> <p>16 their behavior is conducive to orderly operation of</p> <p>17 the facility and ability to interact around other</p> <p>18 inmates.</p> <p>19 Q. And then you also mentioned there was</p> <p>20 disciplinary and administrative segregation?</p> <p>21 A. Correct.</p> <p>22 Q. What are the differences between those</p> <p>23 two?</p> <p>24 A. Disciplinary is multiple tiered levels</p> <p>25 in terms of minor, major infraction and those can</p>
<p style="text-align: right;">Page 15</p> <p>1 A. It depends on what period of time the</p> <p>2 inmate is there for their incarceration. They will</p> <p>3 be screened based on prior knowledge of inmate</p> <p>4 behavior, charges, and a full litany of decision</p> <p>5 trees that occur for all inmates that come into the</p> <p>6 facility.</p> <p>7 Q. And so you said Mr. Briggs was placed on</p> <p>8 high security?</p> <p>9 A. He was.</p> <p>10 Q. Okay. But when he originally showed up</p> <p>11 I believe you said he was placed in observation.</p> <p>12 So would that be a different classification?</p> <p>13 A. I'd have to refer to the notes to see</p> <p>14 what the actual classification was for him when he</p> <p>15 first got there so I get the terminology right.</p> <p>16 Q. Okay. But he wasn't put immediately</p> <p>17 into the -- I guess you could refer to it as</p> <p>18 general population?</p> <p>19 A. No. It is a behavior based jail and you</p> <p>20 don't -- you have to earn your way into that.</p> <p>21 Nobody goes directly there historically.</p> <p>22 Q. So is general population a different</p> <p>23 classification than low, medium and high?</p> <p>24 A. It is. It's an open pod design with</p> <p>25 direct supervision.</p>	<p style="text-align: right;">Page 17</p> <p>1 be placed in a high security housing unit or some</p> <p>2 disciplinaries can be left in their -- in the</p> <p>3 housing unit they were normally in and just loss of</p> <p>4 privileges. So it depends on the severity of the</p> <p>5 disciplinary.</p> <p>6 Q. So then where would administrative</p> <p>7 segregated, inmates in that classification, what</p> <p>8 pod would they be in?</p> <p>9 A. They can be in just about any pod.</p> <p>10 Historically they end up in our high security pod</p> <p>11 where the lockdown times are consistent.</p> <p>12 Q. So as I understand from kind of reading</p> <p>13 through this, there's also an APOD. Is APOD</p> <p>14 specific for administrative segregation?</p> <p>15 A. No.</p> <p>16 Q. Who else could be held in APOD?</p> <p>17 A. Disciplinary.</p> <p>18 Q. Okay. And is APOD an open -- I guess</p> <p>19 it's not an open pod, is it?</p> <p>20 A. It is designed similar to all the pods.</p> <p>21 Q. So inmates though in APOD, are they all</p> <p>22 on lockdown?</p> <p>23 A. Typically, not necessarily.</p> <p>24 Q. And just for the record then, if an</p> <p>25 inmate is on lockdown, what are the restrictions</p>

<p style="text-align: right;">Page 18</p> <p>1 placed on the inmate?</p> <p>2 A. It depends on the inmate and the</p> <p>3 circumstance. A disciplinary inmate can be on</p> <p>4 lockdown 23 hours and loss of privileges, like</p> <p>5 visitation or phone access or commissary.</p> <p>6 Q. So if an inmate's in high security, what</p> <p>7 type of, say, movement or privileges or time out of</p> <p>8 cell do they have?</p> <p>9 A. Ask that again.</p> <p>10 Q. Sorry.</p> <p>11 If an inmate is, say, on high security,</p> <p>12 how much time are they allowed out of their cell</p> <p>13 and are they allowed privileges?</p> <p>14 A. It depends. There are high security</p> <p>15 pods other than APOD and those can have varying</p> <p>16 time outs and the same with APOD.</p> <p>17 Q. So it just depends on the inmate in</p> <p>18 APOD?</p> <p>19 A. Potentially, yes.</p> <p>20 Q. Okay. With Mr. Briggs though, he was</p> <p>21 classified as high security. Did he ever go down</p> <p>22 to any lower level, say, medium or low security?</p> <p>23 A. Yes.</p> <p>24 Q. And what levels did he go down to?</p> <p>25 A. Without referring, I'm afraid I couldn't</p>	<p style="text-align: right;">Page 20</p> <p>1 wouldn't have any impact on it. If his behavior</p> <p>2 was such over a significant period of time to</p> <p>3 demonstrate that he could function appropriately at</p> <p>4 any other security level, he could have achieved</p> <p>5 that.</p> <p>6 Q. When evaluating an inmate's</p> <p>7 classification, is there any set period of time</p> <p>8 where that evaluation takes place?</p> <p>9 A. Evaluations are conducted regularly.</p> <p>10 That doesn't mean that the classification will</p> <p>11 change regularly.</p> <p>12 Q. And that's -- I guess that's my question</p> <p>13 then is, you don't look at, say, a set amount of</p> <p>14 time over a -- and I'm going to say a hypothetical</p> <p>15 here. If inmate X is at high security, so long as</p> <p>16 we evaluate and there's clear conduct over 14 days</p> <p>17 then he could move down? There's nothing hard and</p> <p>18 fast like that, if my question makes sense?</p> <p>19 A. It is reviewed on a regular basis every</p> <p>20 7 to 14 days, and I don't recall specifically. But</p> <p>21 that doesn't necessarily mean that it will be</p> <p>22 changed during that -- after every review.</p> <p>23 Q. So, also just from reviewing the</p> <p>24 documents that have been provided, there's also</p> <p>25 something I've seen that's called CPOD. What is</p>
<p style="text-align: right;">Page 19</p> <p>1 be accurate to tell you exactly what we called it</p> <p>2 at that point.</p> <p>3 Q. Okay.</p> <p>4 A. Or what it entailed during that period</p> <p>5 of time.</p> <p>6 Q. Right. Would he have ever gone down to</p> <p>7 medium security?</p> <p>8 A. I think at that time we would have -- he</p> <p>9 did achieve a medium security classification.</p> <p>10 Q. Would he have ever gone down to low</p> <p>11 security?</p> <p>12 A. No.</p> <p>13 Q. Why wouldn't he have ever gone down to</p> <p>14 low security?</p> <p>15 A. Escape attempts and his history, and his</p> <p>16 behavioral history within our facility. So --</p> <p>17 Q. Okay, so --</p> <p>18 A. -- he could have -- sorry.</p> <p>19 Q. I apologize, I cut you off. Go ahead.</p> <p>20 A. He could have been at any level if his</p> <p>21 behavior justified that.</p> <p>22 Q. Well, you mentioned his escape attempts,</p> <p>23 what impact would that have on his security</p> <p>24 classification long term?</p> <p>25 A. Long term, relatively speaking, it</p>	<p style="text-align: right;">Page 21</p> <p>1 CPOD?</p> <p>2 A. They refer to the special management in</p> <p>3 the levels of security that occur. It is typically</p> <p>4 our special management housing unit.</p> <p>5 Q. And what types of inmates are classified</p> <p>6 into CPOD?</p> <p>7 A. Typically ones that would be vulnerable</p> <p>8 to being taken advantage of by general population</p> <p>9 or that would not fit into general population.</p> <p>10 Typically sex offenders that don't do very well,</p> <p>11 child sex offenders, those kinds of crimes that we</p> <p>12 keep isolated from the general population.</p> <p>13 Q. So why would you keep sex offenders or</p> <p>14 child sex offenders isolated from the general</p> <p>15 population?</p> <p>16 A. Sometimes, and it's not all the time,</p> <p>17 their cases have elements that other inmates find</p> <p>18 pretty offensive.</p> <p>19 Q. So are those inmates then at risk of</p> <p>20 violence towards them?</p> <p>21 A. Not all the time at all.</p> <p>22 Q. So is there a concern though that those</p> <p>23 inmates could get I guess, hurt or harassed based</p> <p>24 on the nature of their offense?</p> <p>25 A. It's evaluated, but is not a given or an</p>

<p style="text-align: right;">Page 22</p> <p>1 automatic that occurs. There are -- were and 2 currently are sex offenders that are in general 3 population, as I recall. And it depends on the 4 type and notoriety of a particular crime 5 potentially. 6 Q. So when you say "notoriety," do you mean 7 if a crime is high profile? 8 A. No, not necessarily. Meaning that it is 9 well known within the jail potentially. 10 Q. Okay. So if the general jail population 11 knows about it? 12 A. Potentially. The other important factor 13 on that is their vulnerability. The special 14 management pod typically houses developmentally 15 delayed, medical patients, people that may be at 16 risk for abuse or being taken advantage of by 17 general population inmates. 18 Q. If there's an inmate who is being, say, 19 targeted for, you know, violence or harassment by 20 other inmates, would CPOD be a placement for them? 21 A. It would be a potential placement for 22 them, not an automatic placement. 23 Q. What other options would be available? 24 A. We have various tier systems in the 25 regular housing units. We have administrative</p>	<p style="text-align: right;">Page 24</p> <p>1 the specific incident reports, his behaviors, and 2 so I don't know that I can give you the objective 3 ones right off the top of my head with any kind of 4 clarity or specific. 5 Q. In some discovery that was provided 6 there was a -- if I can find it. I believe it was 7 team meeting notes that listed Mr. Briggs as a 8 predator. Is that a characterization that you 9 would agree with? 10 A. It's a characterization that 11 is -- follows pretty logically with his conviction 12 on the sex assaults, yes. 13 Q. And what is a predator? Is that a 14 defined term within jail policy? 15 A. Not that I am aware of. 16 Q. So what, I guess again objectively, 17 would cause an individual to be classified or 18 characterized as a predator? 19 A. The totality of their behavior and their 20 history. And I wish I could spout each individual 21 incident report that were five, six years ago, and 22 I don't have that at the top of my head. 23 Q. Do you recall ever reviewing Mr. Briggs' 24 inmate history at any other institutions prior to 25 his arrival at Gallatin County jail?</p>
<p style="text-align: right;">Page 23</p> <p>1 segregation. We have movement to other facilities. 2 We have lots of options open to us. 3 Q. Was Mr. Briggs ever considered for CPOD? 4 A. He was considered. 5 Q. And was CPOD ever an option for him? 6 A. Not in my opinion. 7 Q. Why not? 8 A. He was not the type that would be taken 9 advantage of. His character was one who would take 10 advantage of others. 11 Q. Why do you say that he would take 12 advantage of others? 13 A. His specific history within the jail. 14 Q. Okay. And I'm just curious, so. Is 15 that a determination that you made when he arrived 16 at the jail? 17 A. No, not when he arrived. 18 Q. So you're saying you came to this 19 conclusion over time? 20 A. Correct. 21 Q. So then what, I guess, objective facts, 22 factors or circumstances did you rely on to make 23 that determination, that he would not be eligible 24 for CPOD? 25 A. I'd have to do a lot of referring to all</p>	<p style="text-align: right;">Page 25</p> <p>1 A. I do not recall that. 2 Q. Did you ever receive any sort of advice 3 or warnings or notices from any other detention 4 facility? 5 A. The facility may have, I don't 6 specifically recall having it brought to my 7 attention. 8 Q. Do you recall Mr. Briggs ever involved 9 in an incident where I guess he slit his tongue? 10 Does that ring a bell for you? 11 A. It does. 12 Q. From your recollection, can you recall 13 what happened there? 14 A. Not with any clarity. I know that the 15 event happened and I know that there's an incident 16 report on it and that we discussed it in team but, 17 the specifics of the event, I'm not confident I can 18 recall. 19 Q. In those discussions in team, was 20 Mr. Briggs -- was there a concern or belief that 21 Mr. Briggs had faked his injury? 22 A. Which injury are you speaking? 23 Q. I'm sorry, slicing his tongue. And let 24 me rephrase that question. That's not well done. 25 Was there any concern in team meetings</p>

<p style="text-align: right;">Page 26</p> <p>1 when Mr. Briggs sliced his tongue, that he -- I 2 kind of chopped this up and compartmentalize it. 3 Was there a concern that he made an attempt on his 4 life at that point? 5 A. I don't specifically recall. 6 Q. Was there any concern or belief that he 7 had done that, say, to get attention? 8 A. There may -- I believe so. 9 Q. Why would there be a concern or belief 10 that he'd done that to get attention? 11 A. I don't recall now the sequence of 12 events if this was pre or post, some of his other 13 incidents in the jail. And so I don't know that I 14 can answer you with good recollection on that. 15 Q. Was there any sort of belief that he did 16 that to attempt to escape again? 17 A. On the splitting of his tongue, I don't 18 believe so. 19 Q. If an inmate has to go to, say, the E.R. 20 for something like splitting their tongue, what 21 sort of policies or procedures does the jail follow 22 to ensure security? 23 A. It depends on the security level of the 24 inmate. They will be escorted whether it's by 25 detention or sworn staff, the level of restraint,</p>	<p style="text-align: right;">Page 28</p> <p>1 A. It would be evaluated, with the 2 evaluation would be what his eligibility was. 3 Q. And when you say "eligibility," does 4 that mean there are certain classifications he 5 would not be eligible for? 6 A. Correct. 7 Q. If you'd like I can -- let me ask you 8 this: If an inmate does want to be, say, 9 considered for CPOD or a classification down, how 10 would an inmate go about requesting that? 11 A. The most effective way would be through 12 our kite system, but I have seen it in multiple 13 other ways directly asking officers or other staff 14 and to take that before supervision or the team 15 meeting. 16 Q. Okay. And I'm just going to hand you 17 a -- because you've mentioned referring to team 18 meeting notes. So what I've got here is just a 19 printout of team meeting notes that were provided 20 to us as part of Mr. Briggs' file, so. 21 If you want a copy of that. 22 MR. STACEY: I have one. 23 MR. BIDDULPH: Oh, you've got one. 24 I suppose, actually, what exhibit are we 25 on?</p>
<p style="text-align: right;">Page 27</p> <p>1 the number of people, and it all depends on the 2 inmate and any information that we have regarding 3 that inmate. 4 Q. So was there a concern then that 5 Mr. Briggs was doing this to escape again? 6 A. On the splitting of the tongue, I don't 7 remember. 8 Q. Okay. Did you have any personal 9 interactions with Mr. Briggs? 10 A. Not that I remember. 11 Q. Never any one-on-one conversations with 12 him? 13 A. I don't believe so. 14 Q. So would it be fair to say then that any 15 of your -- anything that formulated opinion about 16 him would come from reports from other staff? 17 A. Correct. 18 Q. Do you ever recall Mr. Briggs requesting 19 to be placed in CPOD? 20 A. I'd have to refer to the team notes 21 because that is where those requests would 22 typically be brought forward. 23 Q. If Mr. Briggs were to, say, request 24 placement in CPOD, would that be evaluated at the 25 time or was he just never eligible for CPOD?</p>	<p style="text-align: right;">Page 29</p> <p>1 THE COURT REPORTER: 17. 2 MR. BIDDULPH: 17. If we can just enter this 3 in as Exhibit 17. 4 (Whereupon, Deposition 5 Exhibit Number 17 was 6 marked for identification.) 7 BY MR. BIDDULPH: 8 Q. So Exhibit 17 would be team meeting 9 notes which is CCJI292 through CCJI310. 10 And do you need a moment to go through 11 those? I'm more than happy to give you a second if 12 you need to. 13 A. I think I'm okay. 14 Q. Okay. So there's a few of these notes 15 in here I just want to kind of take a look at. 16 Starting on the first page there, I guess these are 17 in chronological order, on 4/7/14 on CCJI292 of 18 Exhibit 17 it states that no IR's or I guess 19 discipline. He's stated to his attorney he is 20 worried about previous charges and inmates knowing. 21 He's been told to speak with an officer if there's 22 a specific issue or use the kite system. He has 23 asked that a prior counsel come in and meet with 24 him. 25 So at this time, I guess this would be</p>

<p style="text-align: right;">Page 30</p> <p>1 early in his incarceration, was there a concern 2 about Mr. Briggs being targeted based on other 3 inmates knowing of his charges or history? 4 A. There -- he may have been concerned. We 5 had no information to substantiate that. 6 Q. And I also want to hand you here, which 7 is just a copy of an e-mail that was provided as 8 part of discovery. If we can enter this as Exhibit 9 18. 10 (Whereupon, Deposition 11 Exhibit Number 18 was 12 marked for identification.) 13 BY MR. BIDDULPH: 14 Q. And this looks like it's an e-mail from 15 Cari Ray sent to, well, a number of different 16 folks. It's cc'd to Rick Lower at Gallatin County. 17 Who is Rick Lower? 18 A. Rick Lower. 19 Q. Lower, excuse me. And who's Rick Lower? 20 A. Rick Lower is the transportation 21 sergeant, an administrative sergeant for the 22 detention center. 23 Q. Okay. And so have you ever seen this 24 e-mail before? 25 A. Not that I recall.</p>	<p style="text-align: right;">Page 32</p> <p>1 which would have a negative impact on his mental 2 health. Was there a concern at that time that 3 Mr. Briggs' isolation would have a negative impact 4 on his mental health? 5 A. There's a concern always with putting 6 people in limited out time because of its potential 7 impact on mental health. 8 Q. So I guess explain that to me. Why is 9 there that concern? 10 A. It is fairly well recognized that any 11 isolation can have a negative impact. For our 12 facility that level of isolation is not what it is 13 in most places. They have contact with other 14 inmates, just not physical contact. They 15 have -- they have contact with officers, they have 16 contact with mental health staff, they have contact 17 with medical staff, they have access to phones, 18 they have time out. So isolation is not a good 19 word because it's not really isolation. 20 Q. Was there anything in Mr. Briggs' 21 history that you knew of that would give cause for 22 concern that -- and I'm just going to quote from 23 here, isolated would have a negative impact on his 24 mental health? 25 A. Ask me the question again, please.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Okay. And so on this e-mail it states 2 that "Inmate Kevin Briggs will need to be kept 3 separate from all other inmates. Given his high 4 profile case, he has had several threats on his 5 life. He will be picked up on Wednesday by 6 Gallatin County Sheriff's Officer Rick Lower, 7 Cari." 8 Were you informed by Mr. Lower that, I'm 9 guessing, Cari Ray provided information that he 10 needed to be kept separate or had several threats 11 on his life? 12 A. I don't recall. 13 Q. Does Rick Lower, is he a part of the 14 team that would get together for these team 15 meetings? 16 A. Not consistently. 17 Q. Sometimes he would though? 18 A. Correct. 19 Q. Okay. If you can -- on the Exhibit 17, 20 if you could turn to the second page which is 21 CCJI293. It looks like there's a team meeting note 22 on 5/19 of '14. Do you see that? 23 A. I do. 24 Q. In there there's a statement this says 25 if we were to house him in APOD, would be isolated</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. I said was there anything I guess what 2 was -- what went into this determination 3 objectively? Were there reports or anything to 4 make that determination that housing him in APOD 5 where he would be isolated would have a negative 6 impact on his mental health? 7 A. I do not know. Knowing that the notes 8 are not verbatim, they're taken by typically Jackie 9 Lemon based on the general feel of the 10 conversation, but not verbatim, and directives that 11 we give. I can't say that that is a complete 12 statement based on the full set of conversations 13 with Mr. Briggs or about Mr. Briggs. 14 Q. If an inmate had made attempts at 15 suicide, would there be concerns of placing him in 16 isolation? 17 A. It depends on the inmate. 18 Q. And so how do you go about evaluating 19 that inmate? 20 A. We use various resources, including our 21 mental health staff, to help us come to conclusions 22 based on the individuals and the individuals' 23 needs. 24 Q. How often do the mental health staff 25 meet with inmates when they're in APOD and in an</p>

<p style="text-align: right;">Page 34</p> <p>1 isolated cell in APOD?</p> <p>2 A. It depends on the inmate.</p> <p>3 Q. Do you recall how often Mr. Briggs was</p> <p>4 met with?</p> <p>5 A. I do not.</p> <p>6 Q. Do you know what they typically look</p> <p>7 for?</p> <p>8 A. Yes.</p> <p>9 Q. And what is it that they typically look</p> <p>10 for?</p> <p>11 A. Decompensation, positive movement, all</p> <p>12 the things that mental health people look for.</p> <p>13 Q. If an inmate were to, say, be</p> <p>14 complaining about panic attacks or anxieties or</p> <p>15 anything like that while they're in isolation, what</p> <p>16 would the jail do at that point?</p> <p>17 A. We would treat with mental health</p> <p>18 resources.</p> <p>19 Q. Would that inmate remain in an isolation</p> <p>20 in APOD?</p> <p>21 A. It depends on the inmate.</p> <p>22 Q. If you can turn to CCJI294, I believe is</p> <p>23 the third page. I believe it's 6/16/2014. It says</p> <p>24 here "Eilissa received a phone call from his father</p> <p>25 with concerns over isolations. Briggs is refusing</p>	<p style="text-align: right;">Page 36</p> <p>1 time of getting along with other people?</p> <p>2 A. I don't have a time line in front of me</p> <p>3 to be able to tell you effectively where in his</p> <p>4 stay this was in comparison to his incidents</p> <p>5 with -- throughout his jail stay.</p> <p>6 Q. And then if you can turn to what is</p> <p>7 marked CCJI295, it looks to be a team meeting</p> <p>8 7/22/14. It says, "Has a black eye, staff unable</p> <p>9 to see an incident on video as to how this</p> <p>10 happened. Possible self injury. He has been using</p> <p>11 the law library and watching movements through the</p> <p>12 sally ports. Please keep a close on him."</p> <p>13 Do you recall Mr. Briggs getting a black</p> <p>14 eye in or around July of 2014?</p> <p>15 A. I do.</p> <p>16 Q. And was there a concern that this was</p> <p>17 self injury?</p> <p>18 A. There was.</p> <p>19 Q. And why was there concern that it was</p> <p>20 self injury?</p> <p>21 A. Based on his behavior before, it was</p> <p>22 leading us to believe that this was a ploy to help</p> <p>23 him with his court case. We had no evidence that</p> <p>24 anybody had done it to him by reviewing the videos.</p> <p>25 We had officer reports that there was nothing that</p>
<p style="text-align: right;">Page 35</p> <p>1 to work with our mental health staff. Eilissa</p> <p>2 asked if Stef can please review again mental health</p> <p>3 medications. Eilissa believes a double bunk would</p> <p>4 be the safest option for him if we can find the</p> <p>5 right cellmate. His history does lead for concern.</p> <p>6 He did receive another write up on the 11th and it</p> <p>7 out of L/D on 7/7/14."</p> <p>8 Do you -- I guess first and foremost,</p> <p>9 who's Eilissa?</p> <p>10 A. One of our mental health professionals.</p> <p>11 Q. Okay. Were you made aware that she'd</p> <p>12 received a phone call from his father regarding</p> <p>13 isolations?</p> <p>14 A. Without seeing the header on this team</p> <p>15 meeting to know if I was there, I can't tell you</p> <p>16 specifically.</p> <p>17 Q. And it says here too, "His history does</p> <p>18 lead for concern." Do you know what they're</p> <p>19 referring to there?</p> <p>20 A. No.</p> <p>21 Q. Would it be his history with other</p> <p>22 cellmates?</p> <p>23 A. Or -- no, I don't know if that's the</p> <p>24 case.</p> <p>25 Q. Did he have a history at this point in</p>	<p style="text-align: right;">Page 37</p> <p>1 would have accounted for that eye other than self</p> <p>2 injury.</p> <p>3 Q. Was there ever concern that Mr. Briggs</p> <p>4 would appear on television with a black eye?</p> <p>5 A. No.</p> <p>6 Q. Was there ever concern that Mr. Briggs</p> <p>7 would appear in court with a black eye?</p> <p>8 A. No.</p> <p>9 Q. So in looking at this same page and it</p> <p>10 looks like through -- well, the next page it says</p> <p>11 "Nothing noted." If it says "nothing noted" in</p> <p>12 these team meeting notes, does that mean there's no</p> <p>13 incidences, no discipline, no write-ups?</p> <p>14 A. It means that there was nothing noted</p> <p>15 that was apparently of interest to the team at that</p> <p>16 point.</p> <p>17 Q. What would the team be looking for?</p> <p>18 A. Team looks for about everything that may</p> <p>19 indicate special needs, anything that would need</p> <p>20 supervisory authorization for, anything that needed</p> <p>21 to be clearly brought to the attention of the</p> <p>22 staff.</p> <p>23 Q. So is every inmate evaluated at these</p> <p>24 team meetings?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. Why would an inmate be evaluated at 2 these team meetings? 3 A. If they were behavior, mental health or 4 medical issues that made staff believe that we 5 should use multiple resources to evaluate how we 6 manage them. 7 Q. So it appears to me that Mr. Briggs was 8 evaluated in a team meeting his entire time there? 9 A. Correct. 10 Q. Is that normal for an inmate that is a 11 subject of a team meeting to be the subject of team 12 meetings through their entirety of incarceration? 13 A. It's not abnormal. It's unusual. 14 Q. So then why was Mr. Briggs evaluated the 15 entirety of his time there? 16 A. His behavior put him on our list 17 virtually the entire time he was here. 18 Q. And when you say "behavior," is that 19 prior to incarceration or ongoing? 20 A. Both. 21 Q. So prior to incarceration what are you 22 referring to? 23 A. His charges. 24 Q. Anything else? 25 A. Not that I'm aware of.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Not that I recall. 2 Q. So when it says "he is not allowed to 3 move lower than a medium," does that mean that 4 that's the lowest he could ever go? 5 A. At that time, yes. 6 Q. So that's not necessarily a directive in 7 perpetuity, it's as of 9/8/14? 8 A. That is correct. 9 Q. And then going through these 9/14 10 through, it looks like, 12/14, so a period of 11 roughly almost four months, there doesn't seem to 12 be anything there. Do you know if Mr. Briggs was 13 reclassified at any point in that time? 14 A. He had been reclassified. He was in a 15 high or medium classification pod and had been for 16 some time, since July, before July 22nd. 17 Q. Okay. 18 A. And I'd have to refer to our records to 19 see when he was actually moved and reclassified. 20 But he'd been on a lower classification for some 21 time based on his behavior. 22 Q. So I'm going to hand you a -- and I'm 23 assuming you have. Have you reviewed any -- well, 24 any and all incident or disciplinary reports with 25 regards to Mr. Briggs?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. So his charges which were I guess sexual 2 charges in nature, was there anything else outside 3 of that? 4 A. Assaultive charges against officers, I 5 believe there might have been a witness tampering 6 but I can't specifically recall. 7 Q. So then sex charges not necessarily 8 would put an inmate on a team meeting watch? 9 A. Not necessarily. 10 Q. So then sex charges coupled with assault 11 on an officer, would that put an inmate on team 12 watch? 13 A. Not necessarily. 14 Q. So then outside of sex charges and 15 assault on an officer, was there anything else that 16 would give reason for Mr. Briggs to continually be 17 the subject of team meetings? 18 A. His behavior. 19 Q. On the next page of 296, on 9/8/14, it 20 says "He is up for classification but 21 administration has determined he is not allowed to 22 move lower than a medium." 23 Was there any request at that time, do 24 you recall, that Mr. Briggs made for a lower 25 classification?</p>	<p style="text-align: right;">Page 41</p> <p>1 A. I know they exist. I have seen some of 2 them, but review would be a pretty broad word. 3 Q. And in your job as jail commander, do 4 you review all incident or disciplinary reports? 5 A. No. 6 Q. Do you ever take it upon yourself to 7 review some? 8 A. Yes. 9 Q. Under what circumstances? 10 A. Random quality assurance or anything 11 that brings it to my attention or would indicate 12 that I should review it. 13 Q. In these team meetings if an inmate's 14 the subject of a team meeting, does the team review 15 incident reports or disciplinary reports as they 16 come up? 17 A. Mostly. 18 Q. And do you attend every team meeting? 19 A. Most of them. 20 Q. If you don't attend a team meeting, 21 what's the mechanism for you to obtain an update on 22 what was discussed? 23 A. They're published. 24 Q. So it's just essentially what we're 25 seeing right here with regards to the inmate?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Except it has all of the inmates we 2 discuss. 3 Q. Correct, yeah. So Exhibit 17, that's 4 all you would see? I guess my question is, there's 5 no other minutes or notes or account of what was 6 discussed? 7 A. No, unless I get a verbal report from 8 somebody who's at that meeting. 9 Q. Okay. So I want to hand you -- and 10 perhaps you haven't seen it before, but we'll enter 11 it in as Exhibit, I believe, 19. 12 (Whereupon, Deposition 13 Exhibit Number 19 was 14 marked for identification.) 15 BY MR. BIDDULPH: 16 Q. Do you recall ever reviewing this report 17 with regards to, it looks like, a number of inmates 18 on or around 11/16/14? 19 A. I don't recall. It wouldn't surprise 20 me, but I don't recall. 21 Q. And if you need to read the attachments 22 as well? 23 A. I'm familiar, but. 24 Q. Well, and the reason I want to ask is I 25 believe it is in the attachments A1. This inmate</p>	<p style="text-align: right;">Page 44</p> <p>1 a pod? 2 A. Protection. 3 Q. Just generally speaking, what would 4 those circumstances typically be? 5 A. Where we had evidence of it clearly 6 occurring, that would be a disciplinary infraction. 7 It is a fairly common ploy to remove inmates that 8 you don't like to make complaints of bulldogging or 9 to try and get a -- yourself moved to a different 10 pod to be with people you like by complaining of 11 general assaults or bulldogging. That is a fairly 12 typical jailhouse method of inmates to control 13 their environment so we have to -- we look and pay 14 very close attention to gather any evidence of that 15 besides just statements. 16 Q. So then it looks like Mr. Bullock made 17 this complaint. So just so I understand what 18 you're saying, in a hypothetical sense, I'm not 19 saying this is what happened here, it's possible 20 then that Inmate Bullock was trying to get himself 21 moved out of a pod and was complaining about 22 another inmate bulldogging? 23 A. Potentially. 24 Q. Okay. So if there is a complaint like 25 this, are inmates questioned or is it just a video</p>
<p style="text-align: right;">Page 43</p> <p>1 looks like makes a complaint to a Corporal Evans 2 about an inmate bulldogging? What is bulldogging, 3 do you know? Is that a term you're familiar with? 4 A. Yes. 5 Q. What is bulldogging? 6 A. Bullying, trying to establish control or 7 authority over others within the pod. 8 Q. And it looks like he's making a claim 9 that maybe this Inmate Haldeman has been 10 bulldogging the gentleman that made this complaint, 11 as well as Mr. Briggs, possibly some others. In a 12 situation where inmates are being bulldogged, 13 what's typically done in that situation? 14 A. It depends on the situation. The 15 officers are made aware of it. If they have 16 evidence, they'll do disciplinary. If -- so it 17 depends on the circumstance. 18 Q. So would inmates be moved out of a pod 19 if they were bulldogging? 20 A. Not as a general rule. 21 Q. Would the victim of bulldogging be moved 22 out of a pod? 23 A. Not as a general rule. 24 Q. Are there any circumstances where an 25 inmate doing the bulldogging would be moved out of</p>	<p style="text-align: right;">Page 45</p> <p>1 review? What goes into that investigation? 2 A. Both. It's a complex social environment 3 within jail pods. The officers have direct 4 supervision and direct observation of the inmates. 5 They do a very good job of being able to manage the 6 behavior in the pod and of the people. And that 7 authority has delegated them to manage those pods 8 for the best result. 9 Q. If there is a report such as this one 10 that an inmate is a victim of bulldogging, is that 11 something that would, say, come up in a team 12 meeting? 13 A. It depends on the circumstance. 14 Q. Do you recall in any of these team 15 meetings if it was ever discussed that Mr. Briggs 16 was a victim of bulldogging? 17 A. I do not specifically recall, no. 18 Q. Does the fact that Mr. Briggs is not the 19 one levying this complaint -- let me withdraw that. 20 So in this complaint though Mr. Briggs 21 is characterized as a victim of bulldogging. Would 22 you, say, move Mr. Briggs based solely on a 23 complaint like this? 24 A. No, I would not. 25 Q. Would you at least -- or would you</p>

<p style="text-align: right;">Page 46</p> <p>1 investigate as it relates to Mr. Briggs based on a 2 compliant like this? 3 A. I probably would not be involved at all. 4 That would be an officer and floor supervisor 5 responsibility to watch and manage. 6 Q. So they would watch and manage and then 7 move inmates as necessary? 8 A. If needed. 9 Q. Is that typically a decision that you're 10 involved with, what pods or housing locations? 11 A. Only when it comes to the level of 12 specific override of standard policies or 13 procedures or if it is a case that is coming -- the 14 team meetings, where I can interject a way that we 15 want to manage a particular inmate. 16 Q. I'm looking on CCJI298. And as around 17 about January of 2015, it says January 27, 2015. 18 It says "Briggs, his attorneys have decided not to 19 represent him. Keep on medium classification." 20 I'm assuming, "per JJ," would that be per you? 21 A. That is correct. 22 Q. Okay. Was there any concern about 23 Mr. Briggs' mental health or stability at the time, 24 around January 2015, when his attorneys have 25 decided to not represent him?</p>	<p style="text-align: right;">Page 48</p> <p>1 February of 2015? 2 A. I remember some incidents. I don't 3 recall which dates they were. 4 Q. Were you involved personally in any of 5 those disciplinary proceedings? 6 A. No. 7 Q. Do you ever become involved in 8 disciplinary proceedings? 9 A. Rarely. 10 Q. What circumstances would you become 11 involved in a disciplinary proceeding? 12 A. Appeals that the officer that is in 13 charge of all the security matters needed counsel 14 or advice on. 15 Q. So if the disciplinary officer came to 16 you, that's when you would become involved? 17 A. No. When it would be appealed by the 18 inmate, it would go to my security director. If he 19 had questions or wanted guidance, that's where I 20 would get involved. 21 Q. Okay, thank you. Makes sense. 22 Do you recall Mr. Briggs being found 23 guilty of fighting in February of 2015? 24 A. Yes. 25 Q. Do you recall Mr. Briggs appealing that</p>
<p style="text-align: right;">Page 47</p> <p>1 A. That would be a circumstance where we 2 would want to try and reach out to them for mental 3 health assistance. It can be a -- historically 4 that could be a stressor. But as it relates to 5 overall mental health or a significant event, I 6 don't recall if we had any data or information that 7 that was the case for Mr. Briggs. It would have 8 been a precautionary tale for us to make sure that 9 we knew that happened and could watch for anything 10 that may or may not happen as a result. 11 Q. And then I'm noticing on some of these 12 subsequent ones it still says "keep in a medium 13 classification, per JJ." So is his classification 14 regularly discussed? 15 A. No. Historically that is a carryover 16 until it changes. So it would just be transferred 17 from one meeting to the next. 18 Q. Okay? 19 A. As an ongoing order. And he is 20 in -- has been out of -- in a new classification 21 for -- during this period also. 22 Q. I want to go into February of 2015. Do 23 you recall Mr. Briggs being in any sort of 24 incidents, which could be characterized as a fight 25 or an altercation or an assault in or around</p>	<p style="text-align: right;">Page 49</p> <p>1 decision in 2015, February? 2 A. I remember that there were a couple of 3 appeals. I don't recall specifically which one 4 this was. 5 Q. So what's the process for an inmate to 6 appeal a disciplinary decision? 7 A. It's best articulated in the inmate 8 handbook and in policy procedure. It has specific 9 elements that must be met to be considered a valid 10 appeal or grievance. But me reciting them here is 11 asking for inaccuracy. 12 Q. So would you want to refer to the inmate 13 handbook or? 14 A. That's what I would do. 15 Q. Okay. And just as a matter of 16 clarification, this was an Inmate Manual that was 17 provided to us. It's dated March 3rd of 2015. But 18 would this Inmate Manual substantively apply to 19 February of 2015 as well? 20 A. I can't assure that. It gets modified 21 and changed just like policy and procedure, just 22 like all of our things. We all make the assumption 23 that you were provided with the documentation that 24 was in effect at the time. 25 Q. How often does the inmate or detention</p>

<p style="text-align: right;">Page 50</p> <p>1 center policies and procedures get updated?</p> <p>2 A. Policy doesn't get updated very often.</p> <p>3 We've done a hundred and -- over 180 procedural</p> <p>4 changes since my arrival. The Inmate Manual has</p> <p>5 probably been revised between three and four times</p> <p>6 in my tenure.</p> <p>7 Q. Okay. So if we can enter this as</p> <p>8 Exhibit 20. This is a copy of the Inmate Manual</p> <p>9 that we've received.</p> <p>10 (Whereupon, Deposition</p> <p>11 Exhibit Number 20 was</p> <p>12 marked for identification.)</p> <p>13 BY MR. BIDDULPH:</p> <p>14 Q. And I've just kind of thumbed to the</p> <p>15 page which is Bate Stamped 194, but it looks like</p> <p>16 page 22 of the manual. So I'm going to assume</p> <p>17 that's the disciplinary appeals section at the</p> <p>18 bottom. Do you need to take time to read it?</p> <p>19 A. It looks like it.</p> <p>20 Q. So then how would an inmate go about</p> <p>21 filing an appeal in a disciplinary proceeding?</p> <p>22 A. By following the instructions in the</p> <p>23 Inmate Manual.</p> <p>24 Q. And what do those instructions say?</p> <p>25 A. "The inmate may appeal the decision of</p>	<p style="text-align: right;">Page 52</p> <p>1 A. It's one way, I'm sorry.</p> <p>2 Q. Okay. I don't mean to cut you off.</p> <p>3 A. Sorry about that.</p> <p>4 Q. What's the other way?</p> <p>5 A. Or in writing, with a handwritten on</p> <p>6 paper.</p> <p>7 Q. Okay. The old fashion way, we could</p> <p>8 say?</p> <p>9 A. Yes.</p> <p>10 Q. So if Mr. Briggs sent this through the</p> <p>11 grievance. It looks like subject, grievances; to,</p> <p>12 grievances/general group. So if this is his</p> <p>13 appeal, does it need to then be responded to?</p> <p>14 A. If it met the criteria for what an</p> <p>15 appeal means in terms of what is he appealing, what</p> <p>16 is his requested solution, and that it didn't.</p> <p>17 Q. Sorry, you're saying it didn't?</p> <p>18 A. Correct.</p> <p>19 Q. I don't want to put words in your mouth.</p> <p>20 A. I will let you on that one. Correct, it</p> <p>21 did not. It had no -- no indication of what he was</p> <p>22 appealing, what his desired outcome was of the</p> <p>23 appeal, so it -- that's what I can tell you about</p> <p>24 that one.</p> <p>25 Q. What would you -- or what is the</p>
<p style="text-align: right;">Page 51</p> <p>1 any disciplinary action by submitting the appeal in</p> <p>2 writing within 24 hours of the conclusion of the</p> <p>3 Disciplinary Hearing to the Administrator or</p> <p>4 designee, who will review the findings for the</p> <p>5 disciplinary action and render his or her decision.</p> <p>6 The Facility Administrator's decision is final."</p> <p>7 Q. So then I'm going to hand you another</p> <p>8 document here which was produced to us as part of</p> <p>9 Mr. Briggs' confidential criminal justice file. I</p> <p>10 believe we'll do this as Number 21.</p> <p>11 (Whereupon, Deposition</p> <p>12 Exhibit Number 21 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. BIDDULPH:</p> <p>15 Q. Exhibit 21. So at the top of this page</p> <p>16 it says "I would lie to appeal my writeup for</p> <p>17 fighting, please." I'm assuming this is through</p> <p>18 the inmate kite system --</p> <p>19 A. Correct.</p> <p>20 Q. -- is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. Is that how an inmate would go about</p> <p>23 doing an appeal through the inmate kite system?</p> <p>24 A. Yes.</p> <p>25 Q. So then Mr. Briggs --</p>	<p style="text-align: right;">Page 53</p> <p>1 expectation that should be contained in an appeal?</p> <p>2 A. What he wants to appeal about it,</p> <p>3 whether it's the find of guilt or innocence, the</p> <p>4 length of sentence, the punishment, anything other</p> <p>5 than I just want to appeal.</p> <p>6 Q. And so then if an inmate does an appeal,</p> <p>7 where does that appeal go to? Who does that go to?</p> <p>8 A. It comes to the administrator or their</p> <p>9 designee. And at that case it would be Lieutenant</p> <p>10 Young and/or myself.</p> <p>11 Q. And what's Lieutenant Young's title?</p> <p>12 A. Director of security and operations.</p> <p>13 Q. Okay. So I'm just trying to understand</p> <p>14 the hierarchy. Is Lieutenant Young underneath you</p> <p>15 as jail commander?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And then when the Inmate Manual</p> <p>18 says administrator then, is that referring to the</p> <p>19 sheriff?</p> <p>20 A. That is correct.</p> <p>21 Q. Okay. So then that role or that job has</p> <p>22 been ceded to Lieutenant Young?</p> <p>23 A. Designated.</p> <p>24 Q. Designated, excuse me, to Lieutenant</p> <p>25 Young in that circumstance?</p>

<p style="text-align: right;">Page 54</p> <p>1 A. Correct.</p> <p>2 Q. So then in an instance such as this, if</p> <p>3 you're saying this was not an adequate appeal,</p> <p>4 would there be a response at all to the inmate?</p> <p>5 A. Could be, could not be. I don't know</p> <p>6 specifically on this case.</p> <p>7 Q. If an inmate files a grievance, is there</p> <p>8 any requirement that that grievance is responded</p> <p>9 to?</p> <p>10 A. If it meets the requirements our policy</p> <p>11 is to respond.</p> <p>12 Q. Is there even ever a response that says</p> <p>13 we need more information or?</p> <p>14 A. In this case I couldn't tell you what</p> <p>15 specifics we were running under at the time.</p> <p>16 Q. Okay.</p> <p>17 A. Now a good time for a break?</p> <p>18 Q. If you need to take one, yeah.</p> <p>19 Certainly.</p> <p>20 A. I just need to go pee.</p> <p>21 Q. That's why I say it's not an endurance</p> <p>22 test. We can go off the record.</p> <p>23 (Whereupon, a brief</p> <p>24 recess was taken.)</p> <p>25 ///</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I am familiar.</p> <p>2 Q. And I believe Mr. Briggs got some</p> <p>3 disciplinary time out of it as well as Mr. Smith?</p> <p>4 A. I would have to look, but I believe</p> <p>5 you're correct.</p> <p>6 Q. You'd have no reason to doubt me on that</p> <p>7 one?</p> <p>8 A. I don't.</p> <p>9 Q. Okay. So I do want to ask you on that.</p> <p>10 On this appeal it looks like Mr. Briggs filed an</p> <p>11 appeal. Let me just put a paperclip on this one.</p> <p>12 So what are we up to 22? If I could tag that as</p> <p>13 22.</p> <p>14 (Whereupon, Deposition</p> <p>15 Exhibit Number 22 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. BIDDULPH:</p> <p>18 Q. And this is another list of, it looks</p> <p>19 like, kite entries regarding Mr. Briggs on</p> <p>20 Exhibit 22 that I will hand to you.</p> <p>21 If you can look at the top here of</p> <p>22 CCJ185, it looks like Mr. Briggs is requesting an</p> <p>23 appeal of that disciplinary action.</p> <p>24 A. I see it.</p> <p>25 Q. And right before it it looks like there</p>
<p style="text-align: right;">Page 55</p> <p>1 BY MR. BIDDULPH:</p> <p>2 Q. So I believe we were talking about just</p> <p>3 appeal process. So I do want to go forward. So</p> <p>4 does Staff Sergeant Young typically handle appeals</p> <p>5 or is that you?</p> <p>6 A. Typically then Staff Sergeant Young, now</p> <p>7 Lieutenant Young.</p> <p>8 Q. Lieutenant Young?</p> <p>9 A. Yes.</p> <p>10 Q. He would handle those?</p> <p>11 A. Typically.</p> <p>12 Q. Would they ever make it onto your desk?</p> <p>13 A. Potentially.</p> <p>14 Q. Under what circumstances would they</p> <p>15 typically make it?</p> <p>16 A. If he wanted counsel or he believed that</p> <p>17 it merited my attention.</p> <p>18 Q. Okay. So are you familiar with an</p> <p>19 incident with Mr. Briggs in March of 2015?</p> <p>20 A. I'm much better with incident</p> <p>21 descriptions than dates.</p> <p>22 Q. Well, it was an incident involving an</p> <p>23 inmate by the name of Smith where I believe</p> <p>24 Mr. Briggs was struck, although it may be</p> <p>25 characterized as a fight or an altercation.</p>	<p style="text-align: right;">Page 57</p> <p>1 is another discipline or disciplinary review where</p> <p>2 a grievance was filed and something was amended; is</p> <p>3 that correct, that you did?</p> <p>4 A. I recall something about him reading</p> <p>5 about it now, yes.</p> <p>6 Q. So -- hang on, I need to go one more</p> <p>7 page back on this one, if I can. On this one it</p> <p>8 just says "I'd like to appeal the writeups for</p> <p>9 lying or being rude a number of times" and then</p> <p>10 ultimately there is a response. So I'm just kind</p> <p>11 of curious the difference whether it would be a</p> <p>12 response ultimately in this incidence in April and</p> <p>13 not a response in February?</p> <p>14 A. It would be an educated answer</p> <p>15 that -- on this one Mr. Briggs was more specific.</p> <p>16 Staff Sergeant Young then decided to try and elicit</p> <p>17 more information from him, at which time he got the</p> <p>18 information he needed in order to actually take</p> <p>19 that as an appropriate request and then process it.</p> <p>20 Q. Excuse me for a few seconds. So if I</p> <p>21 can actually add to that exhibit, which I believe</p> <p>22 is the page prior. These go in reverse</p> <p>23 chronological order, which would be page 87 whereon</p> <p>24 4/29/2015 Mr. Briggs says "I would like to appeal</p> <p>25 my writeups for lying and fighting, please." We'll</p>

<p style="text-align: right;">Page 58</p> <p>1 just add that to the back end of that exhibit. 2 And so again, I guess the same question, 3 it doesn't seem to be in a specific appeal but it 4 does elicit a response? 5 A. I don't have an answer for you. 6 Q. Later on in those appeals Mr. Briggs 7 says that -- or it was amended to lying or being 8 rude to another inmate. Do you recall why it was 9 amended to -- or excuse me, why it was amended to 10 rude and disrespectful to another inmate? 11 A. I do not. 12 Q. Your name is on there, would you have 13 reviewed the reports -- 14 A. Typically. 15 Q. -- from the disciplinary action? 16 Would you have reviewed the video from 17 the disciplinary action? 18 A. Not necessarily. 19 Q. Do you recall reviewing the reports from 20 this April incident? 21 A. Not specifically. 22 Q. Do you recall contacting Officer 23 Slynstad to provide you information on that 24 appeal? 25 A. It wouldn't surprise me, but I don't</p>	<p style="text-align: right;">Page 60</p> <p>1 to it and what are their respective roles? 2 A. Typically two, one is a primary and one 3 is a witness. 4 Q. And so is the primary, is that the 5 person that makes the decisions? 6 A. No. Both of the disciplinary officers 7 reach consensus, is probably not the best way to 8 say that but a way to describe that. 9 Q. So then would an officer who is on that 10 detention committee, would that officer then be 11 involved in an appeal? 12 MR. BOWEN: Objection, form. 13 Go ahead and answer the question. 14 THE WITNESS: No. 15 BY MR. BIDDULPH: 16 Q. I can rephrase it if you'd like me to? 17 A. No, the appeal goes beyond, above the 18 hearing officers. 19 Q. Okay. So then if an officer was on a 20 detention committee, then they would not be 21 involved in any sort of appellate determination? 22 A. That's not accurate. They would not be 23 involved in making the decision. We would rely on 24 them to give us their version or their thoughts. 25 They are the most familiar with the incident.</p>
<p style="text-align: right;">Page 59</p> <p>1 remember doing it. 2 Q. So if I can refer you to -- I'm going 3 off of memory -- I believe it's exhibit -- I 4 believe it's Exhibit 12, if we have that stack of 5 exhibits. 6 A. I have it. 7 Q. Do you recall receiving that 8 information -- or that e-mail from Brett Slynstad? 9 A. No. 10 Q. Would it be safe to assume then that 11 based on this e-mail was your recommendation in 12 response to Mr. Briggs? 13 A. Yes. 14 Q. I want to chat with you just a couple 15 seconds about the disciplinary team and how that 16 works. 17 Who's on the disciplinary team? Not 18 specifically, but I guess how is it made up? 19 A. Of officers and often supervisors. 20 Q. Is it a rotation of officers or is it a 21 specific assignment? 22 A. It's an assignment and sometimes there 23 are ad hoc members based on staffing for the day. 24 Q. And then how does a disciplinary hearing 25 work, in general? How many officers are assigned</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Okay. But ultimately the appealed 2 decision would be made by you or Staff Sergeant 3 Young at the time? 4 A. Correct. 5 Q. So then Exhibit 12, which was Sergeant 6 Slynstad. I'm just curious. He's making a 7 recommendation to you but you're coming up with the 8 overall decision? 9 A. I don't know that Sergeant Slynstad was 10 on that disciplinary hearing, if you have the 11 documentation on it. 12 Q. Well, that's what I want to ask you 13 about. So I have here what we previously marked 14 as -- hang on one second, let me make sure I get 15 the right one. I believe it's Exhibits 10 and 11. 16 It looks like Exhibit 10 is the Major Rule 17 Infraction Report Hearing for April -- a hearing 18 held on April 29, 2015, which is entered as 19 Exhibit 10. Do you recognize that signature at the 20 bottom? 21 A. No. 22 Q. Do you know who officer 36 is? 23 A. Not off the top of my head. 24 Q. If -- 25 A. At that time.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. Okay. So if Officer Slynstad 2 previously testified in a prior deposition that 3 that was his signature, would you have any reason 4 to not believe that? 5 A. I would not. 6 Q. So then by signing this, was he the 7 detention officer or was he the witness? 8 A. He would have been acting as the hearing 9 officer. 10 Q. Okay. So as the hearing officer then, 11 would it be appropriate for him to then give you a 12 recommendation based on an e-mail which I was 13 referring to, I think Exhibit 12, what he saw on 14 the video and what the new outcome should be? 15 A. Yes. 16 Q. You believe that is appropriate? 17 A. Yes. 18 Q. How so? 19 A. He is very familiar with the case, with 20 what he heard, what he saw. He's a senior 21 supervisory officer that has historically exercised 22 excellent judgment and a good perspective. 23 Q. So I guess the question that leads me to 24 then is if Officer Slynstad was the detention 25 officer making that determination at the time of</p>	<p style="text-align: right;">Page 64</p> <p>1 we'll stay here on this April 1, which is Exhibit 2 10, it says here "Inmate refused to enter plea." 3 Does an inmate have to make a plea at a detention 4 hearing -- or excuse me, disciplinary hearing? 5 A. No. 6 Q. If an inmate does not make a plea, is 7 that an absolute determination of guilt? 8 A. It can be a consideration of guilt by 9 the policy and by the rule book, yes. 10 Q. Are the detention -- excuse me, 11 disciplinary hearing officers still supposed to 12 look at other evidence? 13 A. Yes. 14 Q. Do you know in this April 2015, did the 15 detention or disciplinary officers look at other 16 evidence? 17 A. I do not. 18 Q. So based on Exhibit 10 -- can you tell 19 on the face of Exhibit 10 what Mr. Briggs was found 20 guilty of? 21 A. No, it's an incomplete record. 22 Q. Why do you call it an incomplete record? 23 A. It's missing the page that talks about 24 what the violation was. 25 Q. And what would that page be?</p>
<p style="text-align: right;">Page 63</p> <p>1 the hearing and he made a finding of fighting but 2 then later reversed that to rude or disrespectful, 3 I guess I'm just curious why there was no finding 4 of rude or disrespectful at the time of the 5 disciplinary hearing, why was it fighting? 6 A. The elements very well could have been 7 met during the hearing for the fighting and it's 8 not a court. It has different burdens of proof. 9 We try and do right by the inmates without any 10 undue burden of process because it is a closed 11 system. And so the ability to move quickly is 12 important for us to maintain good order and try and 13 manage that place very effectively. 14 The difference is Sergeant Slynstad was 15 not involved, that I recall, in writing the person 16 up. He was the hearing officer. So the difference 17 between him being the person that alleged or 18 charged the inmate with the violation and then 19 offering me suggestions, and him being the hearing 20 officer I think is worthy of consideration. 21 Q. So then as the hearing officer though he 22 could make a recommendation as to what it should be 23 changed to on appeal? 24 A. Potentially, yes. 25 Q. As far as disciplinary hearings go, and</p>	<p style="text-align: right;">Page 65</p> <p>1 A. It would be the report from the 2 initiating officer. 3 Q. So would that be Exhibit 9? 4 A. Probably. 5 Q. I'm assuming there would be other 6 reports attached to that as well, Exhibit 9? 7 A. Not necessarily. 8 Q. Based on a Major Rule Infraction Report, 9 can you tell what evidence was reviewed to make a 10 determination of guilt, which would be Exhibit 10? 11 A. Not with what has been provided to me. 12 Q. Can you tell based on Exhibit 10, the 13 Major Rule Infraction Report Hearing, what audio or 14 video recordings were used? 15 A. No. 16 Q. I'm looking at the signature, the 17 hearing officer's signature. If there's two people 18 assigned to a disciplinary hearing, should both of 19 those officers sign that report? 20 A. Not at that time apparently. 21 Q. Well, and the reason I ask is from the 22 February hearing, which was Exhibit 6 in that 23 pile -- excuse me, I take that back, it is 24 Exhibit 8. That looks like there's a number of 25 signatures on that one?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. Yes, it does.</p> <p>2 Q. So would that be more typical?</p> <p>3 A. Depending on the staffing for that day</p> <p>4 it would be typical.</p> <p>5 Q. So you could have more than two officers</p> <p>6 in a disciplinary hearing then?</p> <p>7 A. We could or we could just have one based</p> <p>8 on the staffing and the need for time length to</p> <p>9 meet time guidance.</p> <p>10 Q. So it could just be one officer?</p> <p>11 A. It could.</p> <p>12 Q. Okay. Preferably two though at least?</p> <p>13 A. Preferably.</p> <p>14 Q. Okay. Actually, I do want to ask you</p> <p>15 with regards to -- if you can look at Exhibit 6,</p> <p>16 with regards to an inmate infraction report. This</p> <p>17 was for the February 26, 2015 hearing. Are inmates</p> <p>18 allowed to call witnesses on their behalf at a</p> <p>19 disciplinary hearing?</p> <p>20 A. Yes, with caveats though.</p> <p>21 Q. And what are those caveats?</p> <p>22 A. You can't call your mother as a witness,</p> <p>23 you can't call necessarily somebody that isn't in</p> <p>24 the facility with you, you can't call Gandhi.</p> <p>25 Q. Sure. It would need to be somebody that</p>	<p style="text-align: right;">Page 68</p> <p>1 A. But I don't know when it was provided.</p> <p>2 Q. Okay. I guess what's the general</p> <p>3 process? Are these -- report and/or disciplinary</p> <p>4 offense report, is that given to the inmate?</p> <p>5 A. Yes.</p> <p>6 Q. And then it looks like the inmate signs</p> <p>7 it, would that be correct?</p> <p>8 A. Correct.</p> <p>9 Q. And it looks like this one was served on</p> <p>10 2/22/15. But then would a copy then be returned to</p> <p>11 staff with the inmate's signature on it?</p> <p>12 A. I don't know what happened with this</p> <p>13 one.</p> <p>14 Q. I'm just asking in general though?</p> <p>15 A. I don't know.</p> <p>16 Q. In a general hypothetical sense, the</p> <p>17 inmate would sign the disciplinary offense report</p> <p>18 and that would be kept in their file or returned to</p> <p>19 detention staff?</p> <p>20 A. But I don't know when they would get</p> <p>21 that. They will give notice of the hearing and we</p> <p>22 ask if they want witnesses. They are typically</p> <p>23 given a copy of the offense reports so that they</p> <p>24 can prepare themselves for that and then the</p> <p>25 hearing occurs. When the signature occurs, when it</p>
<p style="text-align: right;">Page 67</p> <p>1 witnessed the event?</p> <p>2 A. And that was in the facility, yes.</p> <p>3 Q. Okay. So if I can get you to turn the</p> <p>4 page on Exhibit 6, there's a disciplinary offense</p> <p>5 report that was completed on the third page. It</p> <p>6 looks like it was signed by Mr. Briggs. Well,</p> <p>7 page 1 was signed by Mr. Briggs.</p> <p>8 So at the bottom of the first page which</p> <p>9 is -- the first page of the disciplinary offense</p> <p>10 report which is CCJI290, under inmate witnesses it</p> <p>11 has Michael Fuchs listed. Would Mr. Fuchs then be</p> <p>12 called as a witness?</p> <p>13 A. Potentially.</p> <p>14 Q. Is this the spot where an inmate would</p> <p>15 put in a request to have a witness?</p> <p>16 A. As I recall at that time they had to</p> <p>17 identify and ask for that witness prior to the</p> <p>18 hearing.</p> <p>19 Q. So if this would have been returned to</p> <p>20 disciplinary staff with Mr. Fuchs name on there --</p> <p>21 A. I don't know specifically what happened</p> <p>22 with this one.</p> <p>23 Q. Sure. But if it was provided then that</p> <p>24 would give notice that Mr. Fuchs should be a</p> <p>25 witness?</p>	<p style="text-align: right;">Page 69</p> <p>1 comes back to staff, I don't know the timing,</p> <p>2 especially specifically on this case.</p> <p>3 Q. Okay. Do you know who was on the</p> <p>4 disciplinary team for this April of 2015</p> <p>5 disciplinary hearing?</p> <p>6 A. No.</p> <p>7 Q. If I can turn you to Exhibit 14.</p> <p>8 A. (Witness complies.)</p> <p>9 Q. This looks like an e-mail from a Brian</p> <p>10 Taylor, I believe is an officer at the detention</p> <p>11 center or was at the time, to a -- between him and</p> <p>12 a Matthew Porter. At the top of that Mr. Taylor</p> <p>13 indicates -- I believe this is talking about</p> <p>14 Mr. Briggs or if you need to review Exhibit 14</p> <p>15 prior to me asking questions about it, let's take a</p> <p>16 moment to do that.</p> <p>17 A. I see it.</p> <p>18 Q. Yeah. Have you ever seen this document</p> <p>19 or Exhibit 14 before?</p> <p>20 A. Yes.</p> <p>21 Q. And when have you seen it before?</p> <p>22 A. In preparation with counsel.</p> <p>23 Q. Okay. So then the beginning of this</p> <p>24 e-mail you'd agree that Mr. Taylor is sending out I</p> <p>25 guess a notice of the results of some disciplinary</p>

<p style="text-align: right;">Page 70</p> <p>1 hearings?</p> <p>2 A. That is correct.</p> <p>3 Q. And then it looks like there's some back</p> <p>4 and forth between him and an Officer Porter?</p> <p>5 A. Correct.</p> <p>6 Q. And Officer Porter asks, "I understand</p> <p>7 the lying and getting time for that, I was just</p> <p>8 surprised he got the same time for getting his ass</p> <p>9 kicked."</p> <p>10 And then Officer Taylor states "He</p> <p>11 refused to make a plea so we take it as a guilty."</p> <p>12 Is that detention center's policy that</p> <p>13 not making a plea is a guilty plea?</p> <p>14 A. It can be considered as a guilty plea,</p> <p>15 yes.</p> <p>16 Q. How so?</p> <p>17 A. Refusing to make the statement -- and</p> <p>18 I'll try and rephrase this in a way that it says in</p> <p>19 the policy on that. It can be considered as a</p> <p>20 guilt, as guilt, yes.</p> <p>21 Q. So not saying anything can be taken as</p> <p>22 an admission of an offense?</p> <p>23 A. That is correct.</p> <p>24 Q. There's also I believe in the policy</p> <p>25 that any event or incident that happens in jail</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Well, can you answer the question?</p> <p>2 A. Not until I talk to counsel.</p> <p>3 Q. Well, if you recall the rules, once the</p> <p>4 question is asked you need to answer the question</p> <p>5 and then we can take a break.</p> <p>6 A. It depends.</p> <p>7 Q. What does it depend on?</p> <p>8 A. There is criminal sanction -- or there's</p> <p>9 violation of criminal law that results in penal</p> <p>10 punishment. There's violation of rules that result</p> <p>11 in jail sanctions that involve privileges</p> <p>12 typically. They're very separate items.</p> <p>13 Q. Okay. But I don't think that answers my</p> <p>14 question. My question is though, is not making a</p> <p>15 statement an admission to an act?</p> <p>16 A. I'm not sure I can answer the question</p> <p>17 as phrased. If you can try and rephrase that for</p> <p>18 me?</p> <p>19 Q. So if an individual, specifically let's</p> <p>20 say Mr. Briggs, opts to remain silent, has he</p> <p>21 necessarily pled guilty or admitted to any</p> <p>22 wrongdoing?</p> <p>23 A. It can be an element to consider for</p> <p>24 internal sanctions in the jail center.</p> <p>25 Q. But it is not an admission?</p>
<p style="text-align: right;">Page 71</p> <p>1 could result in criminal charges; is that correct?</p> <p>2 A. Potentially.</p> <p>3 Q. So hypothetically if inmate X hits</p> <p>4 inmate Y with his fist, that could result in an</p> <p>5 assault charge?</p> <p>6 A. Potentially.</p> <p>7 Q. So then obviously detention center staff</p> <p>8 would not prosecute that, that would be referred</p> <p>9 outside?</p> <p>10 A. That's correct.</p> <p>11 Q. All right. But any statement that an</p> <p>12 inmate made in their disciplinary hearing could be</p> <p>13 used against them in a future court proceeding,</p> <p>14 criminal court proceeding?</p> <p>15 A. Potentially, not usually.</p> <p>16 Q. Are inmates Mirandized or given Miranda</p> <p>17 rights warning before their disciplinary hearings?</p> <p>18 A. There is a set of things that are read</p> <p>19 to them and the Miranda is part of that at that</p> <p>20 time.</p> <p>21 Q. So then if an inmate just elects to</p> <p>22 remain silent, they haven't made an admission to</p> <p>23 any sort of behavior or act, would that be correct?</p> <p>24 A. I'd like to consult with counsel real</p> <p>25 quick.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. I'd have to look at the specific</p> <p>2 language in the policy to tell you how that's</p> <p>3 articulated.</p> <p>4 MR. BOWEN: Did you want to take a break, JJ?</p> <p>5 THE WITNESS: I would.</p> <p>6 MR. BIDDULPH: Okay.</p> <p>7 THE WITNESS: Just because I want to be</p> <p>8 specific --</p> <p>9 MR. BIDDULPH: I understand.</p> <p>10 THE WITNESS: -- on how we do that.</p> <p>11 MR. BIDDULPH: I'm not trying to bully you.</p> <p>12 THE WITNESS: I gotcha.</p> <p>13 (Whereupon, a brief</p> <p>14 recess was taken.)</p> <p>15 BY MR. BIDDULPH:</p> <p>16 Q. And so I guess I will just kind of clear</p> <p>17 this up though.</p> <p>18 A. Please.</p> <p>19 Q. Yeah. So if an inmate refuses to make a</p> <p>20 plea or enter a plea, that is not an absolute</p> <p>21 determination of guilt?</p> <p>22 A. It is not an absolute. It is considered</p> <p>23 with all other factors.</p> <p>24 Q. So the officers at the detention</p> <p>25 committee or the detention officer needs to</p>

<p style="text-align: right;">Page 74</p> <p>1 evaluate other reports or videos or statements?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So after this April incident</p> <p>4 though, Mr. Briggs did file an appeal and that</p> <p>5 was --I think we -- on a separate exhibit that was</p> <p>6 changed, the fighting was amended to being rude or</p> <p>7 disrespectful; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And then Mr. Briggs made some attempts</p> <p>10 to appeal that being rude or disrespectful, do you</p> <p>11 recall that or were you ever made aware of that?</p> <p>12 A. I may have been. I don't have an</p> <p>13 independent recollection of it.</p> <p>14 Q. Okay. And I am looking at -- I'm just</p> <p>15 going to grab this to make sure I'm looking at the</p> <p>16 right one -- Exhibit 22 here.</p> <p>17 On the first page here it looks like</p> <p>18 Mr. Briggs finally receives a response. I believe</p> <p>19 it's the second section or paragraph down. And it</p> <p>20 says here "I've reviewed the reports and" -- this</p> <p>21 is I believe from Young -- "spoken to the</p> <p>22 disciplinary team regarding your grievance appeal.</p> <p>23 The disciplinary sanctions will not be overturned.</p> <p>24 In addition, based on your recent behavior,</p> <p>25 administrative segregation is the best</p>	<p style="text-align: right;">Page 76</p> <p>1 (Whereupon, Deposition</p> <p>2 Exhibit Number 23 was</p> <p>3 marked for identification.)</p> <p>4 BY MR. BIDDULPH:</p> <p>5 Q. If I gave this to you, I was just given</p> <p>6 this yesterday. It looks like it's a report that</p> <p>7 was created to show Mr. Briggs' history. Do you</p> <p>8 recognize that?</p> <p>9 A. I recognize it as a report that is</p> <p>10 generated manually in our system, yes.</p> <p>11 Q. Okay. But would it be an accurate</p> <p>12 representation of Mr. Briggs' cell assignment</p> <p>13 history?</p> <p>14 A. Most likely.</p> <p>15 Q. Okay.</p> <p>16 A. With the caveat that it has handwritten</p> <p>17 notes that look like Jackie Keery's writing.</p> <p>18 Q. Correct. So then I believe at the</p> <p>19 bottom there is some handwritten notes that</p> <p>20 indicate when there was a change from discipline to</p> <p>21 administrative segregation. So if that could</p> <p>22 assist you in your -- just in answering the</p> <p>23 question if he was moved, when he was reclassified</p> <p>24 to discipline to Ad Seg?</p> <p>25 A. 5/4 of 2015 is the first I see where it</p>
<p style="text-align: right;">Page 75</p> <p>1 classification for you at this time?"</p> <p>2 Do you recall when Mr. Briggs was placed</p> <p>3 on administrative segregation?</p> <p>4 A. No.</p> <p>5 Q. If I were to say that based on prior</p> <p>6 interrogatories and admissions that we submitted,</p> <p>7 it was on or around May 4th, would that be correct?</p> <p>8 A. I have no reason to doubt you.</p> <p>9 Q. Okay. But this is a response to</p> <p>10 Mr. Briggs on or around 5/18. Would an inmate</p> <p>11 receive some sort of notification that they were</p> <p>12 placed on administrative segregation at the time</p> <p>13 that determination was made?</p> <p>14 A. Usually at the time the move occurred.</p> <p>15 Q. So where Mr. Briggs was already in APOD</p> <p>16 for discipline, would he have been then moved</p> <p>17 anywhere for placement on -- classification to</p> <p>18 administrative segregation?</p> <p>19 A. I don't know if he was. I'd have to</p> <p>20 refer to his cell assignment history and I don't</p> <p>21 see that real handy here.</p> <p>22 Q. Okay. Actually we were just provided</p> <p>23 with this yesterday. So if I hand this to you,</p> <p>24 this is the cell assignment you gave to me.</p> <p>25 MR. STACEY: Yeah.</p>	<p style="text-align: right;">Page 77</p> <p>1 indicates Jackie's notes saying that my direction</p> <p>2 was that he was to be on administrative</p> <p>3 segregation.</p> <p>4 Q. I believe -- so then would Mr. Briggs</p> <p>5 have been notified on 5/4 that his classification</p> <p>6 had changed to administrative segregation?</p> <p>7 A. I do not know.</p> <p>8 Q. Is there any policy or mechanism in</p> <p>9 place that would notify an inmate that their</p> <p>10 classification had changed?</p> <p>11 A. I don't know.</p> <p>12 Q. On 5/18 on Exhibit 22 Mr. Briggs is</p> <p>13 informed that "based upon your recent behavior,</p> <p>14 administrative segregation is the best</p> <p>15 classification for you at this time." Do you know</p> <p>16 what exactly what is being referred to there</p> <p>17 "recent behavior"?</p> <p>18 A. I don't know specifically what staff</p> <p>19 sergeant -- then Staff Sergeant Young was referring</p> <p>20 to, but I'm aware that he had incidents that made</p> <p>21 us worry about his ability to be safely not on</p> <p>22 administrative segregation.</p> <p>23 Q. So I guess what were those concerns? I</p> <p>24 mean why was he placed on administrative</p> <p>25 segregation?</p>

Page 78	Page 80
<p>1 A. On what date?</p> <p>2 Q. On May 4 of 2015.</p> <p>3 A. I don't have a time line of incidents.</p> <p>4 I'm referring to some of Jackie's notes. And I</p> <p>5 know that there were strangulation marks on him on</p> <p>6 4/19, that there were -- there was an incident with</p> <p>7 a razor on or about that period of time and some</p> <p>8 other things, but I don't have a time line of all</p> <p>9 the events and the incident reports or team notes</p> <p>10 that would make it easy for me to give you a list</p> <p>11 of the things that would enter into that factor.</p> <p>12 Q. So is there anything specific that would</p> <p>13 have put Mr. Briggs on administrative segregation?</p> <p>14 A. There's very rarely any one thing that</p> <p>15 creates a condition like that by itself. It's a</p> <p>16 culmination of behavior, history, mental health,</p> <p>17 physical health, and a variety of things that go</p> <p>18 into that decision.</p> <p>19 Q. So then previously entered Exhibit 13,</p> <p>20 if I could get you to flip back to it.</p> <p>21 A. (Witness complies.)</p> <p>22 Q. Do you recall sending, receiving, or</p> <p>23 being a part of this e-mail chain?</p> <p>24 A. Not specifically, no.</p> <p>25 Q. And these are documents that were turned</p>	<p>1 these gentlemen about the contents of this e-mail</p> <p>2 and its attachment?</p> <p>3 A. I don't recall.</p> <p>4 Q. Was this e-mail and its attachment the</p> <p>5 basis for Mr. Briggs being placed on administrative</p> <p>6 segregation?</p> <p>7 A. It would have been a factor, yes.</p> <p>8 Q. Who made that determination that he</p> <p>9 should be placed on administrative segregation?</p> <p>10 A. It would have been me.</p> <p>11 Q. So was there any incident report or</p> <p>12 anything put in the jail management system --</p> <p>13 A. This.</p> <p>14 Q. -- for the basis of Mr. Briggs'</p> <p>15 placement on administrative segregation?</p> <p>16 A. There were lots of incident reports and</p> <p>17 information that -- or in the system that factored</p> <p>18 into that decision.</p> <p>19 Q. But there wasn't ever any one report</p> <p>20 that maybe detailed the reason why?</p> <p>21 A. No, not that I'm aware of.</p> <p>22 Q. So I'm going to hand to you which is a</p> <p>23 section or an outtake of the policy and procedure</p> <p>24 manual which was provided to us. It's Bates</p> <p>25 Stamped 1 through -- well, the table of contents is</p>
Page 79	Page 81
<p>1 over to us it looks like from -- originally from</p> <p>2 Brett Slynstad. Attached is the second page of</p> <p>3 the exhibit, was attached to the e-mail, if you</p> <p>4 need to read that to familiarize yourself.</p> <p>5 A. Are you speaking of this --</p> <p>6 Q. Yes, I am.</p> <p>7 A. -- April 28th narrative?</p> <p>8 Q. Yes.</p> <p>9 A. Give me a second. I have read it.</p> <p>10 Q. So are you -- are you familiar with that</p> <p>11 I guess exchange or conversation?</p> <p>12 A. Yes, I am.</p> <p>13 Q. And did you have any conversations with</p> <p>14 Officer Slynstad about what appears to be maybe an</p> <p>15 April 28 conversation with Inmate Smith?</p> <p>16 A. I don't have a specific recollection of</p> <p>17 it, but it happened I'm sure.</p> <p>18 Q. And then it looks like it was forwarded</p> <p>19 to a few people which would be Marty Lambert,</p> <p>20 Brian Gootkin and Dan Springer. Who were those</p> <p>21 individuals?</p> <p>22 A. Marty Lambert is the county attorney and</p> <p>23 Brian Gootkin is the sheriff, Dan Springer is the</p> <p>24 undersheriff and my direct supervisor.</p> <p>25 Q. And did you have any conversations with</p>	<p>1 Bates Stamped 1 through 4 and it's pages 97 through</p> <p>2 101, which we'll enter as Exhibit, what are we at,</p> <p>3 24?</p> <p>4 (Whereupon, Deposition</p> <p>5 Exhibit Number 24 was</p> <p>6 marked for identification.)</p> <p>7 BY MR. BIDDULPH:</p> <p>8 Q. So the Policy and Procedure Manual</p> <p>9 details I guess placement on administrative</p> <p>10 segregation. And it gives some pretty, what I</p> <p>11 believe are, specific criteria and I'll just read</p> <p>12 from page 99, bullet point 2. "Inmate must present</p> <p>13 a serious threat to life, property, self, staff, or</p> <p>14 other inmates, or to the security or orderly</p> <p>15 operation of the facility."</p> <p>16 Was there a determination made as to</p> <p>17 what category Mr. Briggs fit in there?</p> <p>18 A. Yes.</p> <p>19 Q. And what was that?</p> <p>20 A. Danger to himself and the orderly</p> <p>21 operation of the facility.</p> <p>22 Q. And how was he a danger to himself?</p> <p>23 A. Attempts at potential suicide.</p> <p>24 Q. And those were prior attempts at</p> <p>25 suicide?</p>

<p style="text-align: right;">Page 82</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Those were some months before</p> <p>3 this placement though?</p> <p>4 A. In addition to the self harm that we</p> <p>5 determined was likely.</p> <p>6 Q. And when you say "self harm" what are</p> <p>7 you talking about?</p> <p>8 A. Provoking fights, showing up with black</p> <p>9 eyes that we couldn't correspond to anything other</p> <p>10 than self inflicted.</p> <p>11 Q. And then you said "orderly operation of</p> <p>12 the facility," what are you referring to there?</p> <p>13 A. In a facility that's behavior based</p> <p>14 it is determined that -- it is important that</p> <p>15 people follow the rules, get along, do their own</p> <p>16 time -- and I'm paraphrasing.</p> <p>17 Q. Uh-huh.</p> <p>18 A. And utilize the resources that are</p> <p>19 available to them. They are 40 some different</p> <p>20 programs. There's mental health counseling,</p> <p>21 there's mental health counseling. The officers are</p> <p>22 really good at helping counseling people through</p> <p>23 stuff. Mr. Briggs did not avail himself of all</p> <p>24 those opportunities and created a circumstance that</p> <p>25 made us not -- fearful isn't the right word, but</p>	<p style="text-align: right;">Page 84</p> <p>1 segregation, it would not go into the JMS?</p> <p>2 A. It's not completely accurate.</p> <p>3 Q. Okay. How is that not accurate?</p> <p>4 A. An e-mail direction could then be</p> <p>5 transposed into the JMS that indicates his housing</p> <p>6 status, his move, or special conditions.</p> <p>7 Q. Okay. If so, if it were transposed</p> <p>8 though, would it show up as an incident report or a</p> <p>9 disciplinary report or?</p> <p>10 A. No, not necessarily.</p> <p>11 Q. Where else would it show up in the</p> <p>12 system?</p> <p>13 A. In his housing notes, in his</p> <p>14 classification notes, in various ways through the</p> <p>15 system.</p> <p>16 Q. Okay.</p> <p>17 A. Keep separates.</p> <p>18 Q. But this here says an incident report,</p> <p>19 so then it would have to be specifically transposed</p> <p>20 to an incident report, would that be correct?</p> <p>21 A. If that's the way you interpret that,</p> <p>22 but we don't interpret it that way.</p> <p>23 Q. Okay. How do you interpret it?</p> <p>24 A. That our documentation -- an incident</p> <p>25 report translates to a documentation of the</p>
<p style="text-align: right;">Page 83</p> <p>1 concerned about his ability to not disrupt the</p> <p>2 operation, not disrupt other inmates, not try and</p> <p>3 harm himself. And so that all goes into the</p> <p>4 decision and meets those criteria.</p> <p>5 Q. And just per point 3, was there ever any</p> <p>6 incident report in the JMS specific as to the</p> <p>7 reasons for placement on administrative</p> <p>8 segregation?</p> <p>9 A. There is no such report. There is notes</p> <p>10 in the team meeting that are our documentation of</p> <p>11 those decisions. There are all the incident</p> <p>12 reports that support that decision.</p> <p>13 Q. And when the manual here says the JMS,</p> <p>14 is it referring I guess to jail management system?</p> <p>15 A. Correct.</p> <p>16 Q. And what is the jail management system?</p> <p>17 A. It was and is an ex jail product.</p> <p>18 Q. And is that where these incident reports</p> <p>19 and disciplinary reports are generated?</p> <p>20 A. Potentially, yes. Yes.</p> <p>21 Q. Are any e-mails between staff, do they</p> <p>22 go directly into the JMS?</p> <p>23 A. No.</p> <p>24 Q. So if notice was provided by e-mail of</p> <p>25 Mr. Briggs' placement on administrative</p>	<p style="text-align: right;">Page 85</p> <p>1 incidents and then a decision.</p> <p>2 Q. When Mr. Briggs was in administrative</p> <p>3 segregation, was he evaluated for removal from</p> <p>4 administrative segregation?</p> <p>5 A. Yes.</p> <p>6 Q. How often was he evaluated for removal</p> <p>7 or reclassification?</p> <p>8 A. Every week by the team.</p> <p>9 Q. Was there anything that the team was</p> <p>10 looking for that would prompt his removal from</p> <p>11 administrative segregation?</p> <p>12 A. Yes.</p> <p>13 Q. What was it the team was looking for?</p> <p>14 A. It would have been the totality of</p> <p>15 his behavior and any new incident reports,</p> <p>16 reports by mental health, reports by staff that he</p> <p>17 could -- and we knew he could because he had a</p> <p>18 period of conduct where he was out and capable of</p> <p>19 managing himself appropriately within the facility.</p> <p>20 So we were looking for indicators that would tell</p> <p>21 us that he has -- he can manage himself</p> <p>22 appropriately and that would not be a threat to the</p> <p>23 orderly operation or himself or other inmates.</p> <p>24 Q. And so was there ever an expectation</p> <p>25 that was communicated to Mr. Briggs of what he</p>

<p style="text-align: right;">Page 86</p> <p>1 needed to do?</p> <p>2 A. Often times there is. I can't tell you</p> <p>3 specifically on Mr. Briggs.</p> <p>4 Q. Did the jail staff believe then -- or</p> <p>5 you or the jail staff believe that these April and</p> <p>6 February incidences were I guess a self harm?</p> <p>7 A. We had reason to believe they were</p> <p>8 manipulative in nature.</p> <p>9 Q. Why do you believe they were</p> <p>10 manipulative in nature?</p> <p>11 A. The totality of the circumstances and</p> <p>12 his continuing behaviors, coupled with the reports</p> <p>13 we had, our experience with manipulative</p> <p>14 personalities, which we have a lot of experience</p> <p>15 with, comments and recommendations from staff, from</p> <p>16 mental health, medical staff. It's a lot of</p> <p>17 information that goes into making that decision.</p> <p>18 Q. So was there a belief then that</p> <p>19 Mr. Briggs instigated these assaults on him?</p> <p>20 A. Yes.</p> <p>21 Q. And why was there that belief? What</p> <p>22 objective facts led to that?</p> <p>23 A. The video evidence, the statement from</p> <p>24 other inmates, officers' observations of Mr. Briggs</p> <p>25 every day all day.</p>	<p style="text-align: right;">Page 88</p> <p>1 A. No, I don't.</p> <p>2 Q. So if those other inmates reports were,</p> <p>3 say, either Mr. Smith or Mr. Steele, would those be</p> <p>4 a reliable source of information?</p> <p>5 A. Not as standalone. But with supporting</p> <p>6 information, could be considered as supporting of</p> <p>7 that, yes.</p> <p>8 Q. So then there was information obtained</p> <p>9 from others besides Mr. Smith or Mr. Steele?</p> <p>10 A. As I recall there is.</p> <p>11 Q. Do you happen to recall who those</p> <p>12 persons were?</p> <p>13 A. No.</p> <p>14 Q. Okay. And the reason I'm asking is I</p> <p>15 haven't seen anything in his, say, criminal justice</p> <p>16 file or incident reports or disciplinary reports</p> <p>17 that would indicate any other persons were spoken</p> <p>18 to. So if they were spoken to, would that go into</p> <p>19 an incident report or a disciplinary report?</p> <p>20 A. May or may not. It may be just off of</p> <p>21 reports from officers reporting conversations that</p> <p>22 they had.</p> <p>23 Q. I notice the team meeting notes indicate</p> <p>24 that when Mr. Briggs went on --</p> <p>25 A. What exhibit is that?</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. So the video evidence, have you reviewed</p> <p>2 those videos?</p> <p>3 A. If I did it was a really long time ago.</p> <p>4 I have a vague recollection of actually seeing at</p> <p>5 least one of them.</p> <p>6 Q. Do you recall any of those videos</p> <p>7 showing Mr. Briggs strike either Mr. Smith or</p> <p>8 Mr. Steele?</p> <p>9 A. I do not.</p> <p>10 Q. So then any instigation of that, those</p> <p>11 assaults on him would have been either verbal or</p> <p>12 some other means?</p> <p>13 A. Correct.</p> <p>14 Q. And do those videos contain any audio?</p> <p>15 A. No.</p> <p>16 Q. So there would be no record or report of</p> <p>17 what was actually said?</p> <p>18 A. That's inaccurate.</p> <p>19 Q. How so?</p> <p>20 A. There is video evidence of him speaking</p> <p>21 without the audio. There is officer reports and</p> <p>22 other inmate reports that go with that, as I</p> <p>23 recall.</p> <p>24 Q. And those other inmate reports, do you</p> <p>25 recall who those were?</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. I'm sorry. Exhibit 17.</p> <p>2 MR. BOWEN: Thank you.</p> <p>3 THE WITNESS: I'm with you. I'm sorry.</p> <p>4 BY MR. BIDDULPH:</p> <p>5 Q. Okay, that's fine. I know it says team</p> <p>6 meeting notes start around maybe 4/20 of '15.</p> <p>7 Indication is charges to be dismissed for lack of</p> <p>8 speedy trial. This is page CCJ1300. And then</p> <p>9 there's some indication that detention staff later</p> <p>10 on would be subpoenaed or required testimony.</p> <p>11 Was there a concern about Mr. Briggs</p> <p>12 having another incident between the filing of a</p> <p>13 speedy trial motion and that hearing?</p> <p>14 A. In what context?</p> <p>15 Q. Well, in the context of him getting hit</p> <p>16 again.</p> <p>17 A. We have concern for the health and</p> <p>18 safety of the inmates. The legal and trial process</p> <p>19 is separate and rarely, if ever, is considered in</p> <p>20 how we house or manage inmates.</p> <p>21 Q. Did you ever have any communication with</p> <p>22 the county attorney regarding Mr. Briggs'</p> <p>23 classification in Ad Seg?</p> <p>24 A. Not that I recall. I'll stand</p> <p>25 corrected. He was -- I told him in an e-mail just</p>